

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 5 August 2006 (5.08.2006)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPL. NO. (if known): Not Yet Assigned
INTERNATIONAL APPLICATION NO.: PCT/EP2005/001567	INTERNATIONAL FILING DATE: 16 February 2005 (16.02.2005)	PRIORITY DATE CLAIMED: 16 February 2004 (16.02.2004) DE 29 July 2004 (29.07.2004) DE
TITLE OF INVENTION: <b>DIAGNOSTIC MARKER FOR CANCER</b>		
APPLICANT(S) FOR DO/EO/US: <b>CAHILL, Michael; KLOCKER, Helmut; ROGATSCH, Hermann</b>		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input checked="" type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 40px;">d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p> <p style="margin-left: 40px;">TRANSMITTAL FORM WITH FEE CALCULATION; INTERNATIONAL PUBLICATION 2005/0078124 A2 WITH INTERNATIONAL PUBLICATION DATE 25 AUGUST 2005 (25.08.2005) AS PUBLISHED IN GERMAN; VERIFIED ENGLISH TRANSLATION OF PUBLICATION WHICH CONSISTS OF 49 PAGES INCLUDING; 1 PAGE TRANSLATOR'S DECLARATION, 32 PAGES TEXTUAL SPECIFICATION, 6 PAGES OF 53 CLAIMS, 10 SHEETS DRAWINGS; PRELIMINARY AMENDMENT WITH ATTCHMENT A TO BE EXAMINTED; UNEXECUTED INVENTOR'S DECLARATION; FORM PCT/IB/304 NOTIFICATION CONCERNING TRANSMITTAL OF PRIORITY DOCUMENT; PTCT/RO/105; PCT REQUEST; PCT/ISA/220 TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT; PCT/ISA/210 INTERNATIONAL SEARCH REPORT.</p>		

U.S. APPLICATION NO. (if known) not yet assigned <b>10/589487</b>	INTERNATIONAL APPLICATION NO.  PCT/EP2005/001567	DATE: <del>6</del> August 2006 (5 08.2006)
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21. Basic national fee ..... \$ 300  22. Examination fee If the written opinion prepared by the ISA/US or the international preliminary examination report prepared by IPEA/US and all claims satisfy Provisions of PCT Article 33(1)-(4) ..... \$ 0 All other situations..... \$200  23. Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$ 0 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500  ___ Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets for paper or fraction thereof. <div style="text-align: right;"><b>TOTAL OF 21, 22 &amp; 23=</b></div>	<u>CALCULATIONS</u>  \$ 300  \$ 200  \$ 400  \$  \$ 900	<u>PTO USE ONLY</u>
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Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than ___ 20 ___ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	
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CLAIMS	NO. FILED	NO. EXTRA	RATE		
TOTAL	<u>53</u> -20=	33	X \$ 50.00	\$	1650.00
INDEPENDENT	<u>22</u> - 3=	19	X \$ 200.00	\$	3800.00
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$	0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	6350.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$	0.00
<b>SUBTOTAL =</b>				\$	6350.00
Processing fee of <b>\$130.00</b> for furnishing the English translation later than ___ 20 ___ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$	0.00
<b>TOTAL NATIONAL FEE =</b>				\$	6350.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property +</b>				\$	0.00
<b>TOTAL FEES ENCLOSED =</b>				\$	6350.00
				Amount to be:	
				refunded	\$
				charged	\$

U.S. APPLICATION NO. (if known) not yet assigned <b>10/589487</b>	INTERNATIONAL APPLICATION NO.  <b>PCT/ EP2005/001567</b>	DATE <b>15</b> August 2006 ( <b>15</b> 08.2006)
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a. ☒ One check in the amount of \$ 6,350.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$\_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

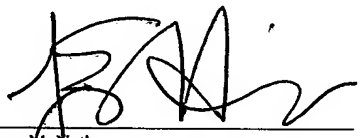
d. Fees are to be charged to a credit card \_\_\_\_ WARNING: Information on this form may become public \_\_\_\_ Credit Card Information should not be included on this form. \_\_\_\_ Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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10/589487

MAIL STOP PCT

Attorney Docket No. 27581U

IAP6 Rec'd PCT/PTO 15 AUG 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CAHILL et al.

International Application No. PCT/EP2005/001567

Serial No. NOT YET ASSIGNED

International Filing Date: 16 February 2005 (16.02.2005)

Filed: August \_\_, 2006

For: **DIAGNOSTIC MARKER FOR CANCER**TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

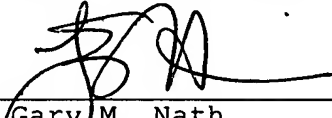
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark  
Office is the following:

- (1) Transmittal Letter
- (2) Transmittal Letter To U.S. Designated/Elected Office (DO/EO/US)  
Concerning Filing under 35 U.S.C. 371
- (3) International Publication No: WO 2005/078124 A2  
International Publication Date: 25 August 2005 (25.08.2005) as  
published in German
- (4) Verified English translation of publication which consists of 49  
ages including:
  - 1 page of the Translator's Declaration,
  - 32 pages Textual Specification,
  - 6 pages of 53 claims,
  - 0 page of the Abstract,
  - 10 sheets of Drawings;
- (5) Preliminary Amendment with Attachment A to be examined:
- (6) Unexecuted Inventor's Declaration;
- (7) Form PCT/IB/304 Notification Concerning Transmittal of Priority  
Document;
- (8) PCT/RO/105;
- (9) PCT Request;
- (10) PCT/ISA/220 Transmittal of International Search Report;
- (11) PCT/ISA/210 International Search Report;
- (12) Check No. 2655 \$6350.00 for Government Filing Fee(\$300),  
Search Fee(\$400), Examination Fee(\$200), 33 additional claims  
over 20(\$1650) and 19 additional independent claims over 3  
(\$3,800), as a large entity;
- (13) Postcard for early notification of serial number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
\_\_\_\_\_  
Gary M. Nath  
Registration No. 26,965  
Tanya E. Harkins  
Registration No. 52,993  
Customer No. 20529

Date: August 15, 2006  
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GMN/TEH/dd/PCT.NATLphase.TL

DECLARATION

I, JOHN ALFRED RICHES, of Oak Farm, Catfield, Great Yarmouth, Norfolk, England, do hereby declare that I am conversant with the English and German languages and am a competent translator thereof. I declare further that the following is a true and correct translation made by me of international patent application PCT/EP2005/001567.

Signed this 26<sup>th</sup> day of July, 2006.



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